

SERIAL NO.: 10/666,990

ART UNIT: 2872

REMARKS

In response to the obviousness rejection issued in the last office action, the applicants referred the Examiner to several publications to illustrate the fact that their contribution to the art has been recognized as a breakthrough in the industry. Since then, the product that embodies the invention has received another noteworthy award. Therefore, a copy of a related press release is attached as Exhibit A as further evidence of the commercial success encountered by this product.

It is noted that the scanning microscope described on the last page of the exhibit, in reference to DMetrix (the company that owns the present application), is the only product manufactured by this company. This scanner embodies all of the features recited in the claims pending in this case, as currently amended.

Respectfully submitted,



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EXHIBIT A

**Arizona
BioIndustry
Association**www.azbiolindustry.org**FOR IMMEDIATE RELEASE****ABA Contact: Jon McGarity
(480) 483-6380****Arizona bioscience leaders, companies recognized at ABA awards dinner**

June 1, 2006 (Scottsdale) — Two individuals from the Phoenix area and three Tucson firms were honored at the second-annual Excellence in Bioscience Awards Dinner last night in Scottsdale, sponsored by the Arizona BioIndustry Association.

More than 250 leaders in Arizona's bioscience community were present at the Hyatt Regency Scottsdale at Gainey Ranch to celebrate the achievements of leading individuals and businesses in the state's emerging bioscience sector.

Award winners included: *(editor's note: awardee profiles attached)*

- **John W. Murphy, President and CEO, Flinn Foundation: Bioscience Leader of the Year.** Honors an individual serving in an academic or nonprofit position who has contributed significantly to progress in Arizona biosciences during 2005 and prior years.
- **Tianwei Jing, Ph.D., Agilent Technologies (formerly Molecular Imaging Corp.): Bioscience Executive of the Year.** Recognizes leadership by a bioscience company executive that most significantly advanced the bioindustry in Arizona in 2005.
- **AmpliMed Corporation: Bioscience Company of the Year.** Awarded to the most significant Arizona-based for-profit bioscience company in 2005 with more than a year of revenues.
- **DMetrix: Bioscience Startup Company of the Year.** Recognizes the most significant for-profit bioscience company in 2005 with less than a year of revenues.
- **Ventana Medical Systems: Medical Device Company of the Year.** Awarded to the most significant Arizona-based for-profit medical device or medical instrumentation company in 2005 with more than a year of revenues.

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"The industry is just beginning to realize the top caliber of both individuals and companies that Arizona has to offer in the biosciences," said Jon McGarity, ABA President and CEO. "These five are innovative standouts in their respective fields. The ABA is privileged to recognize their success and outstanding contributions to improved healthcare and a better quality of life for citizens of Arizona and beyond."

McGarity said the award winners were nominated by their peers and selected from statewide nominees by an independent panel of judges.

The event was keynoted by the Honorable James C. Greenwood, President and CEO of the Biotechnology Industry Organization (BIO) in Washington, D.C. Greenwood, a former six-term U.S. Congressman from Pennsylvania, spoke on the importance of biotechnology in providing better healthcare, enhanced agriculture, and a cleaner and safer environment. ABA serves as BIO's Arizona affiliate.

About the Arizona BioIndustry Association

The Arizona BioIndustry Association is a statewide organization that promotes the growth of bioindustry in the areas of public policy, member services, education, business networking, and entrepreneurial endeavors. To learn more about the Arizona BioIndustry Association, visit www.azbiolndustry.org.

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EXCELLENCE IN BIOSCIENCE AWARD WINNERS**Bioscience Leader of the Year**

John W. Murphy, President and CEO, Flinn Foundation

Murphy has directed the Flinn Foundation, a Phoenix-based nonprofit philanthropy, since 1981. The Foundation has played a central role in developing Arizona's bioscience sector by commissioning and coordinating *Arizona's Bioscience Roadmap*, the state's long-term strategy to rise to competitiveness in the biosciences, now in its fifth year. Under Murphy's leadership, the Foundation coordinates a network of 16 *Roadmap* committees involving more than 250 statewide experts working collaboratively to advance both the science and business aspects of the biosciences. In addition, the Foundation played an instrumental role in the formation of the Translational Genomics Research Institute; has awarded grants for additional efforts, such as the startup of the Critical Path Institute; and has played an active role in planning the downtown Phoenix expansion of the University of Arizona College of Medicine.

Murphy is a board member of TGen, C-Path, and Science Foundation Arizona, and serves on the Arizona Commission on Medical Education and Research and the Governor's Council on Innovation and Technology. He has also chaired national grantmaking associations. Beyond the biosciences, Murphy has charted Flinn's programs in healthcare, education (Flinn Scholars Program) and the arts.

Bioscience Executive of the Year

Tianwei Jing, Ph.D., Agilent Technologies

Dr. Jing co-founded Molecular Imaging Corp., a spinout of Arizona State University that recently was acquired by Agilent Technologies, one of the world's largest life science instrumentation manufacturers. Jing and ASU professor Stuart Lindsay established Molecular Imaging in 1993 in Tempe. The firm grew to become a premier developer and manufacturer of high-resolution imaging and measurement tools used in nanotechnology.

Jing has served as Molecular Imaging's senior vice president for engineering and has led the company's research and development efforts from before its inception until present. He also has played a key role in managing the company's business strategy, including its acquisition by Agilent in November 2005. Jing has authored more than 29 scientific publications and holds more than 16 patents for the Scanning Probe Microscope. He has served as a faculty research associate at ASU. Jing earned a Ph.D. in experimental condensed matter physics at Princeton, where he also served a postdoctoral fellowship in the physics department.

Bioscience Company of the Year

AmpliMed Corporation

AmpliMed Corporation is a Tucson-based developer of novel drugs for the treatment of cancer. The company was formed in 1989 by senior faculty members at the Arizona Cancer Center of the University of Arizona. The company's lead product, Amplimexon™, carries great potential for the treatment of pancreatic cancer, malignant melanoma, lung cancer, and multiple myeloma. The drug currently is in Phase II clinical trials. Other products have promise in ovarian, breast, prostate, and other common cancers. AmpliMed has a portfolio of 180 unique compounds.

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Led by Robert A. Ashley, President and CEO, AmpliMed stresses minimal corporate infrastructure and retaining flexibility to focus on projects with promising short-term opportunities for commercial development. Its growth strategy calls for employing local students and emerging researchers. AmpliMed has 17 employees and an operating budget of \$4 million. It generated investments of \$9.6 million in 2004 and \$6.1 million in 2005.

Bioscience Startup Company of the Year
DMetrix, Inc.

Since its founding in 2001 as a University of Arizona spinout, DMetrix has emerged as a leader in digital microscopy. The company has invented an automatic scanning microscope that can transmit images with substantially greater accuracy and speed than previously achieved. The technology has the potential to revolutionize the way physicians acquire information about diseases, discuss information with expert colleagues, and provide a new platform for diagnosing and treating disease.

DMetrix, led by President and CEO Michael Descour, draws its expertise largely from University of Arizona faculty with expertise in optics, electronics, instrumentation development, digital image analysis, pathology, and telepathology. The firm has 14 staff. It won an R&D 100 award for technological innovation in 2004; earned distinction in the *Wall Street Journal's* international Technology Innovation Awards competition in 2005; and was recognized by the National Institutes of Biomedical Imaging and Bioengineering earlier this year.

Medical Device Company of the Year
Ventana Medical Systems, Inc.

Ventana Medical Systems grew from an idea by a University of Arizona pathologist into a publicly-traded global firm with 850 employees. The company is the world's leading supplier of automated diagnostic systems to the anatomical pathology market. Through automation and systems integration, Ventana is standardizing and optimizing the slide staining process, thereby helping pathologists recommend treatment solutions that deliver superior patient care.

The publicly-traded firm has four major hubs worldwide, including 450 employees at its 182,000 square-foot facility on 40 acres in Oro Valley, north of downtown Tucson. The firm was founded in 1985 by Thomas Grogan, M.D., a professor of pathology at the UA College of Medicine. With revenues of \$208 million, the group markets its products primarily in the United States, France, Germany, Japan, and Australia.